IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

CARL E. DOTSON   PLAINTIFF

v.   No. 4:18-cv-935-DPM

C. MONROE, Patrol Officer,
Little Rock Police Department;
LARRY JEGLEY, Prosecutor; and
BILL SIMPSON, Public Defender   DEFENDANTS

ORDER

1. Dotson says the charges against him have been *nolle prossed.* № 6. The Court therefore lifts the stay and directs the Clerk to reopen this case.

2. The Court must screen Dotson's complaint. № 2 & № 3; 28 U.S.C. § 1915A. Dotson says that prosecuting attorney Larry Jegley bound over false charges to the Pulaski County Circuit Court. № 2 at 4– 5, 9. Dotson seeks damages; but Jegley is immune from suit in his personal capacity for acts taken as an advocate for the State. *Imbler v. Pachtman*, 424 U.S. 409, 430–31 (1976). And sovereign immunity bars Dotson's official-capacity claims against Jegley. *Cf. Seminole Tribe of Florida v. Florida*, 517 U.S. 44, 54 (1996). Dotson's claims against Jegley are therefore dismissed without prejudice.

3. Dotson alleges that Bill Simpson, his public defender, was incompetent and violated Dotson's Fifth Amendment rights. *№ 2 at 4, 8–9*. Dotson's claims against Simpson fail because "a public defender does not act under color of state law when performing a lawyer's traditional functions as counsel to a defendant in a criminal proceeding." *Polk County v. Dodson*, 454 U.S. 312, 325 (1981). Dotson's claims against Simpson are also dismissed without prejudice.

4. Dotson may proceed with his unlawful search and seizure claim against Little Rock Police Officer C. Monroe. *№ 2 at 4, 9*. The Court directs the Clerk to prepare a summons for Monroe. The United States Marshal shall serve the complaint, addendum, summons, and this Order on Monroe without prepayment of fees and costs or security. *№ 2 & № 3*. Monroe should be served through the Little Rock Police Department, 700 West Markham, Little Rock, Arkansas 72201.

So Ordered.

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D.P. Marshall Jr.
United States District Judge

23 January 2019